

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Agriculture, to whom was referred

S. B. No. 512, A bill to be entitled "An Act requiring the collection of statistical information through the county tax assessor relating to agriculture, horticulture, stockraising, manufacturing and mines; requiring the furnishing of blanks for such purposes; requiring returns of such information to be filed with county clerks; requiring reports to the commissioner of agriculture; prescribing duties of the Commissioner of agriculture relative to such statistics and information; enacting other provisions incidental to the subject of the act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence, to whom was referred

H. B. No. 161, A bill to be entitled "An Act amending Article 591 of the Code of Criminal Procedure of the State of Texas, 1925, relating to the selection of special venire, so as to make said Article apply in any county having a population of at least fifty-eight thousand or having therein a city containing a population of at least twenty thousand as shown by the preceding Federal Census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence to whom was referred

H. B. No. 118, A bill to be entitled "An Act to amend Article 880, Revised Criminal Statutes of 1925, as amended by Chapter 24 of the First Called Session of the Thirty-ninth

Legislature, so as to make it unlawful to hunt wild deer with dogs in Hardin, Liberty, Walker, San Jacinto, Madison, Leon and Wharton Counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments herewith attached.

MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence to whom was referred

S. B. No. 76, A bill to be entitled "An Act to amend Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925, relating to Public Weighers, by amending Articles 5680, 5681, 5689, 5694, 5695, 5704; repealing Articles 5682 and 5692, in Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and amending Article 1052; repealing Article 1047; adding Articles 1052a, 1052b, 1052c, 1052d, 1052e, to Revised Criminal Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute be passed in lieu thereof.

MILLER, Chairman.

### THIRTY-SECOND DAY.

Senate Chamber,

Austin, Texas, Feb. 19, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hornsby.

Hyer.	Russek.
Love.	Small.
Martin.	Stevenson.
McFarlane.	Thomason.
Miller.	Westbrook.
Moore.	Williamson.
Parr.	Wirtz.
Parrish.	Witt.
Patton.	Woodul.
Pollard.	Woodward.

Absent—Excused.

Neal.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Parr.

S. B. No. 548, A bill to be entitled "An Act creating a more efficient road system for McMullen County, Texas; providing that the County Commissioners shall co-operate with the State Highway Department in the establishment, construction and maintenance of designated State highways, to be paid for partly by the County and partly by the State or Federal Government; authorizing the Commissioners' Court of McMullen County to issue bonds of said County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; providing that this Act shall be cumulative of all road laws of said County and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Parr.

S. B. No. 549, A bill to be entitled "An Act creating a more efficient road system for Zapata, County, Texas; providing that the County Commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direc-

tion of the Commissioners' Court, etc.; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Russek.

S. B. No. 550, A bill to be entitled "An Act providing that the owner of any truck with a capacity of one and one-half tons or less may operate the same upon the highways of this State without paying any tax or fees thereon other than as provided in this bill where such truck is used exclusively for individual use and not for hire and is used in connection with and for agricultural purposes; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Russek:

S. B. No. 551, A bill to be entitled "An Act to exempt male persons residing in Fayette County, Texas, from road duty by paying to the County Tax Collector of said County the sum of Five Dollars (\$5.00) annually; and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Russek:

S. B. No. 552, A bill to be entitled "An Act to amend Article 377 of the Revised Civil Statutes of 1925."

The bill was read first time and referred to Committee on Banks and Banking.

By Senator Russek:

S. B. No. 553, A bill to be entitled "An Act to amend Article 516 of the Revised Civil Statutes of 1925, as amended by Chapter 252 of the General Laws of the Regular Session of the 40th Legislature, regulating the class of securities for Loans and Investments of Savings Deposits, and declaring an emergency."

The bill was read first time and referred to Committee on Banks and Banking.

By Senator Russek:

S. B. No. 554, A bill to be entitled "An Act to amend Article 415 of the Revised Civil Statutes of 1925."

The bill was read first time and referred to Committee on Banks and Banking.

By Pollard:

S. B. No. 555, A bill to be entitled "An Act to amend Articles 541, 542, 543, and 544, Code of Criminal Procedure of the State of Texas as revised under the Revision of 1925, being certain articles out of Chapter Four of Title Seven, Code of Criminal Procedure, Revision of 1925, to provide that hereafter Article 541, aforesaid, shall include and state the requisites of an application to continue presented by the State which shall contain the matters now provided by law, abolishing the distinction between first and subsequent applications by the State for a continuance, and providing that any application by the State for a continuance of any criminal case shall state all matters now required by law for any subsequent application for a continuance; providing for the inclusion of the matters now stipulated and required in Article 542 aforesaid in Article 541 as it shall be amended by this Act; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Criminal Jurisprudence.

By Senator Moore.

S. B. No. 556, A bill to be entitled "An Act fixing the salary of the District Attorney of the 8th Judicial District and prescribing the manner of its payment; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator McFarlane

S. B. No. 557, A bill to be entitled "An Act amending Article 1090, Chapter 9, Title 28 of the Revised Civil Statutes of 1925, so as to regulate the amount of attorneys fees that may be recovered in suits to enforce liens for assessments made for sidewalks, curbing and other improvements in incorporated cities and towns, eliminating the provisions in said Article which makes liens for such improvements prior to other previously recorded liens against the property; and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 558, A bill to be entitled

"An Act authorizing the Commissioners' Court of Hutchinson County, Texas, to employ not more than two persons to be known as Investigators to assist the district attorney of said county in the investigation and prosecution of crime and in the discharge of his official duties, providing for their deputation, salaries and necessary expense and the mode of their discharge, prescribing their duties and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 559, a bill to be entitled "An Act amending Article 5326 of the Revised Civil Statutes of 1925, so as to prescribe conditions upon which forfeitures of public lands for nonpayment of interest to the state shall take place; prescribing the manner and methods of such forfeitures; prescribing the conditions upon which claims of purchasers may be reinstated where forfeitures for non-payment of interest have occurred and regulating such reinstatements; enacting provisions designed to protect the purchaser against intervening rights of third parties for a certain period of time in which reinstatement may take place; and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Thomason:

S. B. No. 560, A bill to be entitled "An Act amending Chapter 135 of the Acts of the Thirty-ninth Legislature, Regular Session, being S. B. No. 35; relating to the salaries of County Commissioners of Jasper County; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 561, A bill to be entitled "An Act requiring boards, commissions and governing or administrative bodies in this State to hold their sessions or meetings open to the public when attending to public business, with certain exceptions; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Pollard, Martin, Parr, Wirtz, Woodul, Small, Miller, Gainer, Moore, Parrish, Westbrook, Hyer, Williamson, Russek, Patton, Hardin, Cousins, Cunningham, Love, Woodward, Greer, Berkeley, Holbrook, Stevenson, and Beck.

S. B. No. 562, A bill to be entitled "An Act making an appropriation to compensate John W. Hornsby for legal services, together with interest on the amount due, said services having been rendered the State of Texas in the case of State of Texas vs. Hoffman Construction Co., No. 42197 in the district court of Travis county, Fifty-third Judicial District, in which case judgment was obtained for the State against the defendant for the sum of \$412,000 and costs of suit; and declaring an emergency."

Read first time and referred to Committee on Finance.

#### S. J. R. No. 25.

Senator Love sent up the following resolution:  
said election."

S. J. R. No. 25, A joint resolution "Proposing an amendment to the Constitution of Texas providing that the State may collect license fees on motor vehicles operated for hire or tolls, but license fees on motor vehicles not operated for hire or tolls may be levied for county and district road purposes only; providing for an election to be held on said amendment; and making an appropriation to pay the expense of is-rivative of oil or gas, or any other said election.

Read first time and referred to Committee on Constitutional Amendments.

#### Simple Resolution No. 76.

Senator Love sent up the following resolution:

Resolved, That the Committee on Criminal Jurisprudence be instructed to report H. B. No. 466, amending the Dean Law relative to Searches and Seizures of intoxicating liquors, not later than Wednesday, February 20, at 12 o'clock noon.

Love, Woodward, Hyer, Greer, Hornsby, Cousins and Thomason.

The resolution was read and laid on the table subject to call.

#### Simple Resolution No. 77.

Senator Cousins sent up the following resolution:

Whereas, Former Lieutenant Governor T. W. Davidson is in the city and in the Senate Chamber, be it

Resolved, That he be invited to address the Senate.

#### COUSINS.

The resolution was read and adopted.

The Chair apointed Senators Cousins, Beck, and Stevenson to conduct Mr. Davidson to the platform.

#### Former Lieutenant Governor Davidson Speaks.

Senator Cousins introduced former Lieutenant Governor Davidson, who briefly addressed the Senate.

#### Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 150.

H. B. No. 481.

S. B. No. 287.

#### Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Feb. 19, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Woodward:

S. B. No. 159, A bill to be entitled "An Act providing that all conservation and reclamation districts organized under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and/or Chapter 2, Title 128, Revised Civil Statutes of Texas, under the name of Water Improvement Districts, and in the organization of which petitions were signed by more than fifty persons and such petitions were filed in the month of September, 1926; and on which petitioners hearings were held by the county commissioners' courts in the month of October, 1926, and in pursuance of which said courts

entered their orders or judgments finding in favor of the petitioners for the establishment of such districts, and elections were held for the purpose of voting upon the organization of such districts, and the issuance of notes by such districts, such elections being held in the month of November, 1926, and at which elections the organizations of the districts and the issuance of notes received a two-thirds majority of the votes cast and in which elections directors were elected for such Districts, all such proceedings and the organization of such districts and the orders of the county commissioners' courts organizing such districts and the authorization for the issuance of notes of such districts are hereby ratified, validated, approved and confirmed, and further providing that such districts are validly created and organized and the notes issued by such districts are valid and declared to be legal and are validated, and authorizing such Districts to levy, assess and collect taxes to pay same and to pay cost of assessing and collecting same and other expenses of such districts and declaring such districts to be Conservation and Reclamation Districts under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and under the provisions of Chapter 2, Title 128, Revised Civil Statutes of Texas, and under the provisions of Section 59, of Article 16, of the Constitution of the State of Texas, and providing such districts may, if they so elect, in accordance with the provisions of law, be converted into Water Control and Improvement Districts, and declaring the boundaries of said districts to have been properly and legally established and that all orders made by the boards of directors of such districts eliminating and taking land out of such districts, to have been properly and legally made, and validating and declaring valid the boundaries thereof, and providing that all such districts may incur indebtedness to fully carry out each and all of the purposes of their organization when authorized by a majority of the votes cast at an election held for that purpose, and may levy taxes for the payment of their debts and obligations and the maintenance and operation of such

districts, and providing that the orders of the boards of directors of such districts that elections be held in such districts to authorize the issuance of bonds and the levy of taxes in payment therefor, and the notice of election posted and published, and the elections held and the returns made and the orders of the board of directors declaring the results thereof, are declared to be proper and legal proceedings in accordance with the provisions of the laws of the State of Texas for the issuance of such bonds, and are validated and confirmed, and that the elections held in pursuance of said orders in the event a majority of those voting at such elections voted in favor of the issuance of such bonds and the levy of such taxes, are validated and confirmed, that the directors of such districts are authorized to make all proper and necessary orders for the issuance of such bonds and sale of such bonds and the levy, assessment and collection of taxes sufficient to pay the interest thereon and the principal thereon as same matures, and the expenses of assessing and collecting such taxes, and for the maintenance and operation of such districts. Providing generally for the validation of all such districts and the validation of all notes issued by such districts and the validation of all bonds issued by such districts."

By Mr. Hogg:

H. B. No. 461, A bill to be entitled "An Act to prohibit the building, construction, extension, operation or maintenance of any pipe line leading into the waters of the Gulf of Mexico, which pipe line is used or designed to be used for transporting, handling, loading, unloading or discharging oil, gas or any derivative of oil or gas, or any other product or commodity susceptible of being transported into tanks, ships, vessels, barges or any water craft or any agency for loading water craft, and providing a penalty and imposing upon the Attorney General of Texas the duty of bringing timely suit to prevent and restrain the violation of this law, and fixing the jurisdiction and venue of such actions, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Chief Clerk, House of Representatives.

**Senate Joint Resolution No. 10**

The Chair laid before the Senate as pending business the following resolution:

S. J. R. No. 10, A joint resolution "Proposing to amend Article 3 of the Constitution of the State of Texas by adding to Section 48 thereof a provision authorizing the levying of taxes for highway purposes and by adding to Section 49 of said Article a provision enabling the Legislature to provide for the extension of the credit of the State for the purpose of the construction and maintenance of a system of highways and reimbursing outlays and assuming obligations, made by counties and defined road districts of the State therefor."

The question recurred upon the pending amendment by Senator Pollard.

On motion of Senator Love, the previous question on the amendment was ordered.

The amendment was lost by the following vote:

Yeas— 9.

Berkeley.	Martin.
DeBerry.	Miller.
Gainer.	Moore.
Hornsby.	Pollard.
Hyer.	

Nays—16.

Beck.	Russek.
Cousins.	Stevenson.
Cunningham.	Thomason.
Greer.	Williamson.
Holbrook.	Westbrook.
Love.	Wirtz.
Parrish.	Witt.
Patton.	Woodul.

Absent—Excused.

Hardin.	Neal.
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(Pairs Recorded)

Senator McFarlane (present), who would vote Yea with Senator Small (absent), who would vote Nay.  
Senator Parr (present), who would vote Yea with Senator Woodward (absent), who would vote nay.

Senator Love moved to reconsider the vote by which the Senate adopted his amendment yesterday.

Senator Woodul moved the pre-

vious question. The previous question failed to be ordered by the following vote:

Yeas—12.

Beck.	Stevenson.
Cousins.	Westbrook.
Holbrook.	Williamson.
Love.	Witt.
Parrish.	Woodul.
Small.	Woodward.

Nays—17.

Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parr.
Greer.	Pollard.
Hardin.	Russek.
Hornsby.	Thomason.
Hyer.	Wirtz.
Martin.	

Absent.

Patton.

Absent—Excused.

Neal.

Recess.

On motion of Senator Wirtz the Senate, at 12:10 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p.m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

**Senate Joint Resolution No. 10**

The question recurred upon S. J. R. No. 10.

Senator Love's motion to reconsider the vote by which his amendment was adopted yesterday prevailed by the following vote:

Yeas—15.

Beck.	Small.
Cousins.	Stevenson.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Love.	Woodul.
Parrish.	Woodward.
Patton.	

Nays—12.

Berkeley.	Gainer.
Cunningham.	Hornsby.
DeBerry.	Hyer.

Martin.  
McFarlane.  
Moore.

Parr.  
Pollard.  
Thomason.

Absent.

Russek.

Absent—Excused.

Neal.

(Pairs Recorded)

Senator Witt (present), who would vote Yea with Senator Miller (absent), who would vote Nay.

The amendment was lost by the following vote:

Yeas—11.

Berkeley.	Moore.
DeBerry.	Parr.
Gainer.	Pollard.
Hornsby.	Thomason.
Hyer.	Westbrook.
Martin.	

Nays—14.

Beck.	Patton.
Cousins.	Small.
Greer.	Stevenson.
Hardin.	Williamson.
Holbrook.	Wirtz.
Love.	Woodul.
Parrish.	Woodward.

Present—Not Voting.

Cunningham.

Absent.

McFarlane. Russek.

Absent—Excused.

Neal.

(Pairs Recorded)

Senator Witt (present), who would vote Nay with Senator Miller (absent), who would vote Yea.

Senator Parr sent up the following amendment:

Amend S. J. R. No. 10 by adding to the end of line 5 page 7, the following:

"And provided further that all the provisions of this bill shall be supervised and expended only by a Highway Commission elected by the people of this State."

PARR.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—20.

Beck.	Pollard.
Berkeley.	Small.
DeBerry.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Love.	Wirtz.
Martin.	Witt.
Moore.	Woodul.
Parrish.	Woodward.

Nays—8.

Cousins.	Hyer.
Cunningham.	McFarlane.
Gainer.	Parr.
Hornsby.	Patton.

Absent.

Miller. Russek.

Absent—Excused.

Neal.

Senator Woodul sent up the following amendment:

Amend Committee Substitute S. J. R. No. 10 as amended by adding to Section 1, as now amended, the following:

"And provided further that in the event the Legislature shall issue any obligations hereunder it shall first issue such obligations not to exceed the sum of \$75,000,000.00 for the purpose of paying interest upon and redeeming outstanding county and district highway bonds."

The amendment was read and adopted.

Senator Pollard sent up the following amendment:

Amend S. J. R. No. 10, page 7, line 1, by adding a period after the words "School Fund," and striking out all thereafter in said bill."

POLLARD.

The amendment was read and lost by the following vote:

Yeas—11.

Berkeley.	Hyer.
Cunningham.	McFarlane.
DeBerry.	Moore.
Gainer.	Parr.
Hardin.	Pollard.
Hornsby.	

Nays—17.

Beck.	Love.
Cousins.	Martin.
Greer.	Parrish.
Holbrook.	Patton.

Small. Wirtz.  
Stevenson. Witt.  
Thomason. Woodul.  
Westbrook. Woodward.  
Williamson.

Absent.

Miller. Russek.

Absent—Excused.

Neal.

Senator McFarlane sent up the following amendment:

Amend S. J. R. No. 10 by inserting after line 24, page 5, the following:

That the payment of said bonds shall not extend over a period of 10 years from date of issuance.

McFARLANE.

Senator Woodul moved the previous question on the pending amendment, and the engrossment of the bill. The previous question was ordered by the following vote:

Yeas—14.

Beck. Small.  
Greer. Stevenson.  
Hardin. Thomason.  
Holbrook. Williamson.  
Love. Witt.  
Parrish. Woodul.  
Patton. Woodward.

Nays—12.

Berkeley. McFarlane.  
Cunningham. Miller.  
DeBerry. Moore.  
Gainer. Parr.  
Hornsby. Pollard.  
Hyer. Wirtz.

Absent.

Cousins. Martin.

Absent—Excused.

Neal.

(Pairs Recorded)

Senator Westbrook (present), who would vote Yea with Senator Russek (absent), who would vote Nay.

The amendment was lost by the following vote:

Yeas—10.

Cunningham. McFarlane.  
DeBerry. Miller.  
Gainer. Moore.  
Hornsby. Parr.  
Hyer. Pollard.

Nays—17.

Beck. Stevenson.  
Berkeley. Thomason.  
Cousins. Westbrook.  
Love. Williamson.  
Martin. Wirtz.  
Parrish. Witt.  
Patton. Woodul.  
Russek. Woodward.  
Small.

Absent.

Greer. Holbrook.  
Hardin.

Absent—Excused.

Neal.

Senator Thomason moved that the vote by which the previous question was ordered be reconsidered. The motion prevailed.

Senator Cousins moved the previous question on the engrossment of the bill. The motion prevailed.

The bill as amended passed to engrossment by the following vote:

Yeas—16

Beck. Stevenson.  
Greer. Thomason.  
Holbrook. Westbrook.  
Love. Williamson.  
Parrish. Wirtz.  
Patton. Witt.  
Pollard. Woodul.  
Small. Woodward.

Nays—11

Berkeley. Hornsby.  
Cousins. Hyer.  
Cunningham. McFarlane.  
DeBerry. Miller.  
Gainer. Moore.  
Hardin.

Absent.

Martin.

Absent—Excused.

Neal.

(Pairs Recored)

Senator Parr (present), who would vote Nay with Senator Russek (absent), who would vote Yea.

### Free Conference Committee Report

Senator Williamson sent up the following Free Conference Committee report:



Committee Room,  
Austin, Texas, Feb. 19, 1929.  
Hon. Barry Miller, President of the  
Senate, and  
Hon. W. S. Barron, Speaker of the  
House of Representatives.

Sirs: We, your Conference Committee on S. B. 49 have had the same under consideration and have adjusted the difference between the House and Senate, and recommend the passage of the following Committee substitute bill:

By Williamson. S. B. 49.

A BILL  
To Be Entitled

An Act to create the State Board of Pharmacy, providing for its appointment, terms and tenure of office and its members, defining its duties and powers; and to regulate the practice of pharmacy, and providing for the licensing of pharmacists and regulating the distribution, compounding and sale of medicines, drugs, chemicals, and poisons in the State of Texas, defining the terms pharmacist, pharmacy, drug store, and Board; providing penalties, and repealing all existing laws in conflict herewith; and providing for exceptions from the provisions of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created a Board to be known as the State Board of Pharmacy, consisting of six (6) members, to be appointed by the Governor, each of whom shall have been a registered pharmacist, under the provisions of the law, for a period of five (5) years next preceding the appointment, and shall at the time of his appointment be in good standing and engaged in retail pharmacy, and the majority of the board shall be graduates of a recognized college of pharmacy, and shall not be connected in any capacity with any school or college of pharmacy. The term of office of each member of said board shall be six years.

Sec. 2. In making the first appointment the Governor shall appoint two members of said board for two years, two for four years and two for six years, and thereafter the term of each member shall

be six years so that the terms of two members shall expire every two years. Vacancies on the board shall be filled by the Governor for the unexpired term only.

Sec. 3. Each member of the Board shall be paid \$5.00 per day for each day he attends meetings of the board, not to exceed five days for each thirty applicants or less examined at any regular session and not to exceed five days for a special session, and time going to and returning from meetings shall be included in computing said time, and in addition to said per diem each member shall receive expenses incurred while actually engaged in the performance of the duties of the board. Appointees and the secretary to the board shall within (30) days after their appointment take, subscribe and file with the Secretary of State the constitutional oath of office.

Sec. 4. Said Board within thirty (30) days after appointment shall meet and organize by electing a president and vice-president and treasurer from its membership, and a secretary who may or may not be a member of the board, whose salary shall be fixed by the board not to exceed \$300.00 per month. The Secretary and Treasurer shall each be required to execute a bond in the sum of \$10,000.00 for the faithful performance of his duties, payable to the State of Texas. The Board shall have the power to make by-laws and regulations, not inconsistent with the law, for the proper performance of its duties and the duties of its officers and employees, and shall have the power to employ the necessary employees to carry out the provisions of this Act.

Sec. 5. The board shall fix the standards for pharmaceutical registration, except as otherwise specified herein. The compensation of the members, officers and employees of the Board shall be paid out of funds procured under this Act, provided that the State of Texas shall never be liable for the salary or expense of any member of the board, or its officers or employees, or any other expense thereof. The books and registers as made and kept by the secretary or under his supervision, subject to the direction of the board, shall be prima facie evidence

of the matter therein recorded in any judicial proceedings in this State.

Sec. 6. The State Board of Pharmacy shall hold regular meetings for the examination of applicants for registration and for the transaction of such other business as may legally come before it twice a year, and may hold such additional special meetings as may be necessary, not to exceed four in any calendar year. The date and place of the regular meetings shall be designated at a regular session, and the additional meetings to be held at such places and on such dates as may be designated by the President of the board. The members and officers, including the secretary of the board, shall be empowered to administer oaths in connection with duties of the board. The board shall make annually to the Governor of The State a written report of its proceedings and an itemized account of its receipts and disbursements under this Act; also the names of all pharmacists duly registered under this Act during the fiscal year for which the report is made; and the names of all pharmacists whose license or permits have been cancelled, with a memorandum of the grounds upon which such license was cancelled, during the fiscal year.

Sec. 7. It shall be the duty of the State Board of Pharmacy to see that all laws which pertain to the practice of pharmacy are enforced, and it shall be their duty to present to the prosecuting officers of the State all violations of the provisions of this Law.

Sec. 8. It shall be unlawful for any person who is not a registered pharmacist under the provisions of this Act, or who is not under the direct supervision of one so registered to compound, mix or manufacture, or sell or distribute at retail to the consumer any drugs or medicines, except in original packages, provided that all persons now registered in this State as pharmacists shall have all the rights which are granted to pharmacists under this Act and provided further that nothing contained in this Act shall be construed to prevent the administration of drugs and medicines carried or kept by licensed physicians,

dentists, veterinarians and chiropractists in order to supply the needs of their patients; nor to prevent the sale of patent or proprietary medicines in original packages only and insecticides and fungicides, and harmless chemicals used in the arts, when properly labeled; nor to prevent licensed physicians, dentists, veterinarians and chiropractists from compounding, manufacturing and selling any medicines of their own formula.

Sec. 9. Every applicant for license as a registered pharmacist shall be not less than twenty-one years of age, of good moral character, and a graduate of a school or college of pharmacy recognized by the board. Such applicant, in addition to the time required to graduate from school or college of pharmacy, and exclusive of the portion of the year spent in attendance at school or college, shall have had at least one year of practical experience in retail pharmacy under the direct supervision of a registered pharmacist, which experience shall be principally work directly related to selling drugs and poisons, compounding of pharmaceutical preparations and physicians' prescriptions, and keeping of records and making reports required under the State and Federal statutes; and to obtain a license shall pass a theoretical and practical examination satisfactory to the Board of Pharmacy. Provided that the board may at its discretion grant license as pharmacists to persons who furnish proof that they have been registered as such in some other state, and that they are of good moral character, provided such other state in its examination required the same general degree of fitness required by this State and grants the same reciprocal privileges to pharmacists of this State; and provided that exemption from the graduate in pharmacy requirement for entrance to examination for registration as pharmacist shall be allowed to persons who before this Act becomes effective have been employed for at least six months in a retail pharmacy under the supervision of a registered pharmacist, and who register the board for such exemption within one year after this Act becomes effective and who, within not more than five years

from date on which this Act becomes effective, produce satisfactory evidence to the Board of Pharmacy of having had four years of pharmaceutical training under the supervision of a registered pharmacist and shall successfully pass the examination required by the Board of Pharmacy.

Sec. 10. It shall be unlawful for any person to impersonate before the board an applicant applying for registration or license under this Act, or to fraudulently acquire a license in any other manner than provided for in this Act.

Sec. 11. Every applicant for examination for registration as pharmacist shall pay an examination fee of ten dollars (\$10.00); every applicant for reciprocal registration shall pay a registration fee of twenty-five dollars (\$25.00).

Sec. 12. The registration of any pharmacist shall be revoked by the board after the registrant has been convicted of having violated any of the provisions of this Law, or shall have been convicted of a felony, or shall have been convicted of drunkenness, or of any offense, in either State or Federal Court, involving the illegal use, sale or transportation of intoxicating liquor, or narcotic drugs. Revocation of registration shall only be after ten (10) days notice and a full hearing. Any person feeling himself aggrieved on account of the action of the board may institute proceedings in the District Court of Travis County, Texas, for the purpose of having the license reinstated.

Sec. 13. All certificates and current renewal receipts for pharmacists as herein provided shall be at all times conspicuously displayed in the place of business where registrant is engaged as such. Any certificate to practice pharmacy in Texas, which may be found displayed in any place of business where the person to whom said certificate was originally issued is not regularly employed as a pharmacist and actually engaged in the service of filling prescriptions may be cancelled by the Board, and any inspector, member or officer of the Board is hereby empowered to take charge of such certificate pending final hearing before the Board as to revocation of same.

Sec. 14. Every registered pharmacist who desires to continue the practice of pharmacy in this State shall annually, on or before the second day of January of each year, pay to the secretary of the Board of Pharmacy a renewal fee of three dollars (\$3.00). If any person fails or neglects to procure his renewal registration before March first of each year his name shall be erased from the register of licensed pharmacists and such person, in order to regain registration, shall be required to pay one annual renewal fee in addition to the sum of all fees such person may be in arrears. Provided, also, that the Board shall each year turn over to the State Pharmaceutical Association for the advancement of science and art of pharmacy, out of the annual fees collected by it, the sum of two dollars (\$2.00) for each pharmacist actively engaged and one dollar (\$1.00) for each pharmacist inactive engaged in pharmacy in the State. Provided further that a pharmacist not actively engaged in the practice of pharmacy in this State shall be issued a renewal certificate upon the payment of a fee of two dollars (\$2.00) annually or in lieu of such annual fee, said inactive pharmacist, after passing the age of 45 years at his option shall be issued a lifetime certificate upon the payment of fifteen dollars (\$15.00.)

Sec. 15. In all stores in which a registered pharmacist is continuously employed, and where the provisions of this Act have been fully complied with, there shall be displayed in a prominent place in or on the front of said store the words "Drugs," "Drug Store," or "Pharmacy."

Sec. 16. It shall be unlawful for any person to display in or on any store or place of business the words "Drugs," "Drug Store," or "Pharmacy" either in the English or any foreign language, unless there is continuously employed therein a registered pharmacist under the provisions of this Act. The provisions of this Section shall not apply to towns or villages of a population of five hundred (500) inhabitants or less.

Sec. 17. Every person, firm or corporation desiring to continue operating a retail drug store in this State, as same is defined herein, and

every manufacturer of drugs and medicines as defined herein, after the passage of this Act shall procure from the Board a permit for each store or factory to be operated, by making within six months, application to the Board upon a form to be furnished by the Board, setting forth under oath ownership and location, and the name, with the certificate number, of the pharmacist, registered in this State, or physician, dentist, veterinarian or chiroprapist who is to be continuously employed in the drug store or factory; this permit to be issued annually by the Board upon receipt of proper application accompanied by fee of two dollars (\$2.00); this permit to be displayed conspicuously at all times in the store or factory of original issue. Every person, firm or corporation desiring to open a new drug store or factory shall procure permit aforementioned before commencing business. Not more than one store or factory may be operated under one permit. In case of change of personnel of registered pharmacists the Board shall be notified of such change within ten days.

Sec. 18. Chapter 8 of Title 71 of the Revised Civil Statutes of 1925 and all other laws and parts of laws in conflict with this Act are hereby repealed, provided that nothing herein contained shall be construed to amend or repeal any Acts or Sections of Act which govern the manufacture, sale or distribution of narcotics or spirituous liquors.

Sec. 19. A "Drug Store," or "Pharmacy" as used in this Act is any store or place where drugs or medicines are sold or furnished at retail to the consumers wherein a registered pharmacist is continuously employed.

Sec. 20. A "Pharmacist" as used in this Act, means a person licensed by the State Board of Pharmacy, to prepare, compound and dispense physicians' prescriptions, drugs and medicines and poisons.

Sec. 21. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$25.00 nor more than \$200.00, or imprisoned in the county jail for not less than ten nor more than sixty days, or shall be punished by both such fine and im-

prisonment; and each day of violation shall be construed to constitute a separate offense.

Sec. 22. Should any portion or section of this Act be declared unconstitutional, such decision shall affect that Section or part of Section only and shall not render invalid any of the remainder of the Act.

Sec. 23. The fact that the present pharmacy law has been enacted for more than twenty years and is now inadequate to meet the present condition, and in order to better protect the health of the people creates an emergency and an imperative public necessity, requiring that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,  
WILLIAMSON,  
BECK,  
BERKELEY,  
STEVENSON,  
SMALL.

On the part of the Senate.

READER,  
DUNLAP,  
PURL,  
BOUNDS.

On the part of the House.  
The report was read.

S. J. R. No. 19.

On motion of Senator Woodward, S. J. R. No. 19 was laid on the table subject to call.

Motion to Concur.

Senator Wirtz moved to concur in the House amendment to S. B. No. 114. The motion prevailed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

**S. C. R. No. 29.**

Senator Woodward sent up the following amendment:

Whereas, The original Declaration of Independence "made by the Delegates of the People of Texas in General Convention at the town of Washington on the 2nd day of March 1836" is resting in an obscure vault in the office of the Secretary of State where it is rapidly deteriorating,

Whereas, The priceless relic of the courage and heroism of our forbears should be preserved with the greatest care, and at the same time placed where it may prove an inspiration to the thousands who yearly visit our State Capitol,

Whereas, The Secretary of State desires to provide for the proper preservation and display of this document in the niche to the left of the elevator, the said niche having been abandoned as a fountain, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring:

That the request of the Secretary of State to have the custody of this document transferred from the State Department to the Board of Control be granted and also her request for a committee of six, three from the Senate and three from the House, be appointed to share with her the responsibility of this undertaking,

WOODWARD,  
PARRISH,  
HYER.

The resolution was read and adopted.

**House Bills Referred.**

H. B. No. 461, read and referred to Committee on Mining, Irrigation and Drainage.

**Special Order Set.**

Senator Parr moved to make S. B. No. 162 special order after the morning call Monday morning. The motion prevailed.

**Simple Resolution No. 78.**

Senator Holbrook sent up the following resolution:

Whereas, Senator Joseph Weldon Bailey is now in the Senate Chamber, and

Whereas, His long and distinguished service in the U. S. Senate is appreciated and applauded by all the people of this nation therefore, be it

Resolved That he be invited to address the Senate.

HOLBROOK.

The resolution was read and adopted.

The Chair appointed Senators Holbrook, Martin, and Beck to escort Senator Bailey to the Chair.

**Senator Bailey Speaks.**

Senator Holbrook introduced Senator Bailey, who briefly addressed the Senate.

**Adjournment.**

Senator Westbrook moved that the Senate adjourn until 10:00 o'clock Wednesday morning. The motion prevailed, and the Senate, at 5:35 o'clock p. m., adjourned.

**APPENDIX**

**Petitions and Memorials**

House of Representatives U. S.  
Committee on Agriculture  
Washington, D. C. Feb. 16, 1929.  
Hon. Bob Barker, Secretary of the Senate,  
Senate Chamber,  
Austin, Texas.  
Dear Sir:

I am in receipt of your letter of the 13th instant enclosing Senate Resolution No. 58, adopted by the Senate of Texas, endorsing heartily the ten-year program as outlined by the Secretary of Agriculture and urging that Congress take the proper action and make adequate appropriations so that said program may be carried out.

I am pleased to receive your letter and to know of the attitude of the Senate of Texas toward this matter and beg to assure you that the Resolution will be called to the attention of the Committee at such time as the matter may come up for consideration.

Very truly yours,  
G. N. HAUGEN.

The Speaker's Rooms  
House of Representatives U. S.  
Washington, D. C. Feb. 16, 1929.  
Hon. Bob Barker, Secretary of the  
Senate,  
Austin, Texas.

My dear Mr. Secretary:

I have for acknowledgment your communication of February 15th, transmitting a copy of Simple Resolution No. 58, adopted by the Senate of Texas.

Very truly yours,  
NICHOLAS LONGWORTH.

#### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Feb. 19, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 287 carefully examined and compared, and find the same correctly enrolled, and have this day, at 2:00 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 19, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 150 carefully examined and compared, and find the same correctly enrolled, and have this day, at 2:00 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Feb. 19, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your committee on Civil Jurisprudence, to whom was referred

S. B. No. 537, A bill to be entitled "An Act to amend Articles 148, 150 and 151 of the Penal Code by providing for the use and protection of any seal or emblem of the State of Texas; providing a penalty for the violation of this act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 19, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your committee on Civil Jurisprudence, to whom was referred

S. B. No. 516, A bill to be entitled "An Act granting permission to F. B. Reiplinger to sue the State of Texas in the District Court of Medina County, to determine the State's liability, if any, and the amount thereof, if any such liability exists, for personal injuries to the said F. B. Reiplinger and for damages to his automobile received on or about September 18, 1928, while driving his automobile near Hondo in Medina County, Texas, on State Highway No. 3; providing for the procedure and rules of evidence in said suit; making an appropriation to pay any judgment that might be obtained in said suit, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 19, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your committee on Civil Jurisprudence, to whom was referred

S. B. No. 272, A bill to be entitled "An Act to amend Article 2789, Chapter 13, Title 49, of the Revised Civil Statutes of the State of Texas 1925, authorizing the issuance of refunding bonds by towns and villages incorporated for free school purposes only, independent, common and rural high school districts; providing for the exchange of bonds of such districts for the refunding bonds herein authorized; providing that the limitation of indebtedness of such districts contained in Article 2671 shall not apply to such refunding bonds and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 19, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your committee on Civil Jurisprudence, to whom was referred

S. B. No. 541, A bill to be entitled "An Act fixing limitations on revocations, countermands of payments and stop-payments orders relating to the payment of checks or drafts against bank accounts and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Civil Jurisprudence, to whom was referred

S. B. No. 544, A bill to be entitled "An Act to amend Article 6109 of the Revised Civil Statutes of Texas for 1925, regulating the taxing of costs in partition suits and providing for the taxing of an attorney's fee."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 584, A bill to be entitled "An Act validating all orders, judgments and proceedings of the County Court at Law for Eastland County, providing that if any part of this Act is held unconstitutional it shall not affect the validity of the remaining portion; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Judicial Districts, to whom was referred

H. B. No. 556, A bill to be entitled

"An Act amending Subdivision 25 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, providing for changing and prescribing terms and times of holding courts in the 25th Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of Court in the several counties in said District as herein fixed; to validate the summoning of Grand and Petit Jurors under the present Law so as to render them available under the present Act, and inserting subdivision 25 and providing for additional compensation for the official shorthand reporter of the 25th Judicial District; to repeal all laws and parts of laws in conflict herewith; and providing time for this Act to take effect; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 588, A bill to be entitled "An Act amending subdivision 63 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, and providing for an additional term of Court for Val Verde County; and providing time for this Act to take effect; declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 453, A bill to be entitled "An Act amending Article 1434 as amended and Article 1435 of the Penal Code of 1925 relating to the transfer and registration of second-

hand or used vehicles required to be registered under Texas laws; etc."

Have had the same under consideration and report it back to the Senate with recommendation that it do not pass, but that Committee Substitute do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 420, A bill to be entitled "An Act further regulating the operation of vehicles on the public highways; etc."

Have had the same under consideration and report it back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 562, A bill to be entitled "An Act creating a more efficient road system for Jeff Davis County, Texas; etc."

Have had the same under consideration and report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Highways and Motor Traffic to whom was referred

S. B. No. 455, A bill to be entitled "An Act relating to the issuance and use by manufacturers and dealers of demonstration number plates on motor vehicles providing for the use on new vehicles of cardboard numbers issued by manufacturers or dealers under certain prescribed conditions; etc."

Have had the same under consideration and report it back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 419, A bill to be entitled "An Act providing for the registration in this State of vehicles owned by citizens of another state or country and duly registered under the laws of said state or country for the current year; etc."

Have had the same under consideration and report it back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 526, a bill to be entitled "An Act providing for the Motor Vehicle Commission of Texas, and vesting it with the powers, duties and functions now vested in the Railroad Commission of Texas under Chapter 270 of the general and special laws of the Regular Session of the 40th Legislature and all amendments thereto, etc."

Have had the same under consideration and report it back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Highways and Motor Traffic to whom was referred

S. B. No. 546, A bill to be entitled "An Act creating a more efficient road system for Bowie County, Texas; etc."

Have had the same under consideration and report it back to the Senate with the recommendation that it do pass with two Committee Amendments, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on



Highways and Motor Traffic, to whom was referred

S. B. No. 530, A bill to be entitled "An Act to assist in the prevention of the theft of Motor vehicles in Texas; etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 19, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 497, A bill to be entitled "An Act amending Article 1723 of the Revised Statutes of 1925, providing for the appointment of the Supreme Court of stenographers for that Court and fixing their salaries; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

HOLBROOK, Chairman.

By Cunningham. S. B. No. 497.

#### A BILL

#### To Be Entitled

An Act amending Article 1723 of of the Revised Statutes of 1925, providing for the appointment by the Supreme Court of stenographers for that court, and fixing their salaries; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 1723 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

Article 1723. Court Stenographers and Salaries.—The Supreme Court may appoint one stenographer for each member of the Court, at a salary to be fixed by the Court, not exceeding two hundred dollars per month, and may appoint a bailiff to attend the sitting of the Court.

Sec. 2. The fact that the present laws inadequately provide for compensation of stenographers for the Supreme Court Justices, said stenographers being called upon to act also as law clerks, creates an emergency and an imperative public necessity that the consti-

tutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended and it is so enacted.

#### THIRTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, February 20, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Berkeley:

S. B. No. 563, A bill to be entitled "An Act to amend Section 34, 41, 65, (so noted in the Revised Civil Statutes of Texas), Article 199 of Title 8 of the Revised Civil Statutes of Texas, changing the time of holding the terms of the District Courts of the Thirty-fourth Judicial District of